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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,764	07/21/1999	GUY NATHAN	871-63	9715

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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/03/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/357,764

Applicant(s)

NATHAN, GUY

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 11-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

2. The information disclosure statement filed July 21, 1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

3. Applicant is required to provide a copy of the documents as indicated by a cross line in the IDS (paper No. 7) for consideration as to the merits.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 –13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Cohen (US 6,198,408).

Regarding claim 11, Martin et al. teaches a jukebox system, comprising:

a plurality of jukebox devices 13, wherein each jukebox device includes a microprocessor 121, a storage device 93 for storing audiovisual information that can be reproduced by the jukebox device in response to user request, an audio system 129 for playing audio, a visual display 125 for displaying video, and a communication system 19 for enabling the jukebox to communicate through an audiovisual distribution network 15; a server (central management system 11) remote to the jukebox device 13 that provides services to the jukebox device 13, wherein the server and the jukebox can communicate with each other through the distribution network 15, a plurality of control devices 123 for the jukebox devices, respectively, each of the control devices 123 being operable to control one of the jukebox devices when the jukebox device recognizes a control code transmitted from the control device 123 (see figure 1, col. 5, line 41+). However, Martin et al. does not specifically disclose at least one jukebox is operable to store the control code for use in comparing the control code sent by the remote control with the control

code stored on the jukebox to determine whether or not the jukebox will respond to control codes from the remote control.

Cohen teaches converter device 100 is operable to store the control code for use in comparing the control code sent by a remote control transmitter with the control code stored on in memory 106 of converter device to determine whether or not the converter device will respond to control codes from the remote control transmitter (see figures 2, 3A, 3B and col. 1, line 50+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin to use the teaching as taught by Cohen in order to remotely control the jukebox and prevent unauthorized user.

Regarding claim 12, Cohen teaches each of the converter device include a learning mode that enables the control code to be obtained from the remote control and stored on the converter device 100 (see figures 2, 3A and col. 1, line 36+).

Regarding claim 13, Cohen teaches the remote control transmitter is operable to activate and deactivate (on/off) the converter device 100 (see col. 2, line 15+).

Regarding claim 15, Cohen teaches the learning mode as discussed in the rejection of claim 12. It is obvious that the learning mode is incorporated into an operating system of the television device in order to provide convenience for user to operate the system.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Cohen (US 6,198,408) and further in view of Nathan (US 6,308,204).

Regarding claim 14, Martin in view of Cohen teaches a system as discussed in the rejection of claim 11. However, neither Martin nor Cohen teaches the remote control is operable to activate and deactivate a payment device on the jukebox device.

Nathan teaches remote control is operable to activate and deactivate a payment device on the jukebox device (see 7, lines 21-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin and Cohen to use the teaching as taught by Nathan in order to remotely activate and deactivate the payment device.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mastronardi (US 6,346,951) teaches process for selecting a recording on a digital audiovisual reproduction system.

Nickum (US 6,359,661) teaches multiple user profile remote control.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Son P. Huynh  
September 19, 2003